

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:
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	:
CYNTHIA CARRSOW-FRANKLIN,	:
	:
	:
Debtor.	:
-----X	

Chapter 13
Case No. 10-20010 (RDD)

AMENDED OBJECTION TO CONFIRMATION

Wells Fargo Bank, N.A. as servicer for Federal Home Loan Mortgage Corporation (“Wells Fargo”) hereby objects to confirmation of Cynthia Carrsow-Franklin’s Second Amended Chapter 13 Plan filed August 1, 2016 (the “Plan”) for the reasons set forth below.

Wells Fargo filed an amended claim in the above referenced chapter 13 case on September 23, 2010. (Claim Number 1-2, the “Claim”). In January of 2012 Cynthia Carrsow-Franklin (“Debtor”) filed a motion for partial summary judgment seeking judgment disallowing the Claim to the extent it was filed by Wells Fargo as servicer for Freddie Mac. (Docket Nos. 66-68.) In a decision dated May 21, 2012 this Court granted summary judgment to Debtor and found that the Claim was “not filed in Wells Fargo [sic] NA’s capacity as servicer or agent for . . . Freddie Mac.” (Docket No. 78) (the “SJ Decision”). Wells Fargo appealed the SJ Decision. (Docket No. 111.)

On September 30, 2016, the District Court reversed the SJ Decision, holding that “a reasonable factfinder could determine that Wells Fargo had standing to file the [Claim] on Freddie Mac’s behalf.” (Docket No. 134.)

Pursuant to the Second Circuit’s decision, at an appearance on October 5, 2016, Wells Fargo sought and was granted by this Court permission to file a motion to amend the Claim to

clarify that Wells Fargo filed the Claim in its capacity as servicer for Freddie Mac, the beneficial owner of the Loan. The motion to amend was filed November 4, 2016 and is returnable on February 22, 2017. (Docket No. 135.)

As a result of the District Court decision, and pending further ruling by this Court on Wells Fargo's motion referenced above, the Claim still exists to the extent it was filed by Wells Fargo Bank, N.A. as servicer for Freddie Mac. Thus Wells Fargo objects to confirmation of the Plan, which does not provide for payment on the Claim or for any post-petition payments on the Loan.

New York, New York
November 15, 2016

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